

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE SUBPOENA DUCES
TECUM TO AOL, LLC

2007 NOV -5 P 3:25

CLERK U.S. DIST. CT
ALEXANDRIA, VIRGINIA

1-07 mc 34
GBL/BRP

**MOTION BY CORI AND KERRI RIGSBY TO QUASH
SUBPOENA FROM STATE FARM FIRE & CASUALTY CO. TO AOL, LLC**

For the reasons stated in the accompanying memorandum of law, Cori Rigsby and Kerri Rigsby, by counsel, respectfully move pursuant to Fed. R. Civ. P. 45(c)(3)(a)(iii)-(iv) for an order quashing a subpoena dated October 29, 2007, issued through this Court to AOL, LLC, and for sanctions under Fed. R. Civ. P. 45(c), 26(c) and 37(a)(4), 28 U.S.C. § 1927, and the inherent judicial power recognized in *Chambers v. Nasco, Inc.*, 501 U.S. 32 (1991).

Dated: November 5, 2007

Respectfully submitted,



Ellen D. Marcus (Virginia Bar No. 44314)
Michael R. Smith (motion for admission *pro
hac vice* filed herewith)
ZUCKERMAN SPAEDER LLP
1800 M Street NW, Suite 1000
Washington, DC 20036
(202) 778-1800

Counsel for Cori Rigsby and Kerri Rigsby

CERTIFICATE OF SERVICE

I, Ellen Marcus, hereby certify that on November 5, 2007, I caused a copy of the foregoing Motion By Cori and Kerri Rigsby to Quash Subpoena From State Farm Fire & Casualty Company to AOL, LLC to be electronically mailed to counsel of record and also to be deposited in the United States Mails, first class postage prepaid, addressed for delivery to them, as follows:

H. Benjamin Mullen
Matthew E. Perkins, Esq.
Bryan, Nelson, Schroeder, Castigliola & Banahan, PLLC
1103 Jackson Avenue
Pascagoula, MS 39568-1529
Ben1@bnsbc.com

AOL LLC – Legal Department Custodian of Records, Civil Subpoenas
22000 AOL Way
Dulles, VA 20166



Ellen D. Marcus